

REMARKS

The drawings are amended, per the attached Submission, to overcome a few noted informalities contained therein. New Replacement Sheet s of formal drawing(s), accompany this Submission, incorporate all of the requested drawing amendment(s). If any further amendment to the drawings is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

The specification is objected to for the reasons noted in the official action. The above requested specification amendments are believed to overcome all of the raised informalities concerning this case. If any further amendment to the specification is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

Claims 9, 11 and 13 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Hattori '174. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

The Applicant thanks the Examiner for indicating that claims 10, 12 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Accordingly, the Applicant has included the subject matter of claim 15 with the subject matter of independent claim 9 and, therefore, the remaining claims 9-14 and 16 are believed allowable.

Additionally, the Applicant has added new claims 17-24 substantially corresponding to claims 9-16. While Hattori '174 arguably pertains to a hydrodynamic torque converter device, Hattori '174 is an entirely different structural arrangement from the present invention. Importantly, Hattori '174 has an input shaft fixedly attached with the pump so that when the engine rotates, the pump must rotate as well. This arrangement is entirely different, and the antithesis of the present invention, which desires to maintain a high engine speed, while more

efficiently and dexterously controlling the output of the torque converter. The Applicant's invention is structurally different from the present invention because the pump 2 is not directly connected with the input shaft 1. The pump is connected with the input shaft 1 via operation of the primary clutch 16. This is an important aspect of the present invention as noted in paragraph [009] and [010] of the Applicant's specification. For particular construction machines, such as mobile cranes, it is necessary that the hydraulic pump for the working actuator device must be able to produce a high conveying capacity and thus the prime mover must be kept at a high rotational speed without passing such energy to the torque converter to absorb, generally as heat.

Furthermore, in Hattori '174, there is a main clutch 13 between the turbine 2 and the output shaft 10 while in the Applicant's invention there is a direct output from the turbine 3 to the output gear 9, and hence the rear-mounted transmission. Such an arrangement in Hattori '174 does not eliminate the energy flow through the torque converter and thus is entirely different in structure and function from the present invention.

As the Examiner is aware, in order to support an anticipation rejection under 35 U.S.C. § 102, the cited reference must disclose each and every feature of the presently claimed invention. As Hattori '174 does not disclose at least the feature of "... one primary clutch (16) situated between the input shaft and the one torque converter to control the torque converter ..." as specifically recited in claim 17 of the present invention, the Applicant believes this claim and the resulting dependent claims 18-24 to be allowable as well.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised anticipation rejections should be withdrawn at this time. If the Examiner disagrees with

the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Hattori '174 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Scott A. Daniels, Reg. No. 42,462
Customer No. 020210
Davis Bujold & Daniels, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931
Telephone 603-226-7490
Facsimile 603-226-7499
E-mail: patent@davisandbujold.com

1/1

